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Counsel for Defendant Javier Omar Valle Hernandez

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. CR 12-00191 EMC
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER CONTINUING
v.)	APPEARANCE FOR CHANGE OF
)	PLEA AND SENTENCING FROM
JAVIER OMAR VALLE HERNANDEZ,)	MAY 16, 2012 TO MAY 30, 2012 AND
)	EXCLUDING TIME UNDER 18 U.S.C.
Defendant.)	§ 3161
)	
)	

STIPULATION

The parties are scheduled to appear before this Court for change of plea and sentencing pursuant to a fast-track agreement on May 16, 2012. Defense counsel has become unavailable at that time and date and requests that the matter be continued to the Court's calendar on May 30, 2012 at 2:30 p.m. In light of defense counsel's unavailability, the government has no objection to this continuance.

The parties also agree that the time between May 16, 2012 and May 30, 2012 should be excluded under the Speedy Trial Act; the continuance is necessary for continuity of defense counsel and effective preparation of counsel, 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv), and the ends of

1 justice served by granting such a continuance outweigh the best interests of the public and the
2 defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

3 SO STIPULATED:

4 MELINDA HAAG
United States Attorney

6 DATED: May 14, 2012

7 /s/
J. MARK KANG
Special Assistant United States Attorney

9 DATED: May 14, 2012

10 /s/
SHAWN HALBERT
Assistant Federal Public Defender

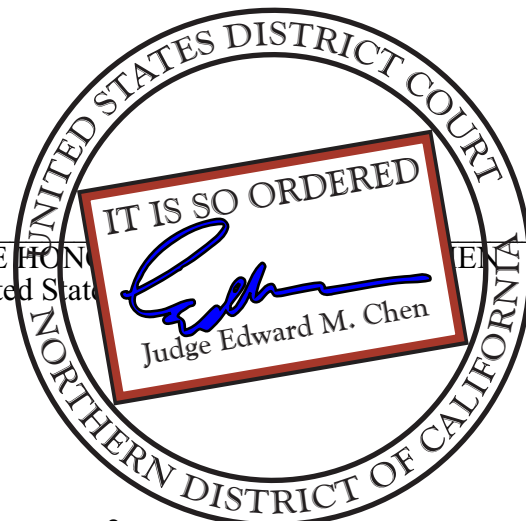
13 **~~[PROPOSED]~~ ORDER**

14 For the reasons stated above, the Court finds that the continuance of the next hearing before this
15 Court for change of plea and sentencing from May 16, 2012 to May 30, 2012 is warranted. Further,
16 the Court finds that an exclusion of time under the Speedy Trial Act between May 16, 2012 to May
17 30, 2012 is appropriate because the failure to grant the requested continuance would deny the
18 defendant continuity of counsel and effective preparation of counsel; thus, the ends of justice served
19 by the continuance outweigh the best interests of the public and the defendant in a speedy trial. 18
20 U.S.C. § 3161 (h)(7)(A), (h)(7)(B)(iv).

21 SO ORDERED.

22
23 DATED: May 15, 2012

24 THE HON.
United States



25 STIP. & ORDER
26 No. CR 12-00191 EMC